

**PLANNING BOARD  
RESOLUTION No. 2013-09**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY TO ALLOW THE DISPLAY OF MERCHANDISE SOLD IN-STORE IN HRCC-1 ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 628 DUVAL STREET (RE# 00012480-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Residential Commercial Core Zoning District (HRCC-1); and


**WHEREAS**, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and


**WHEREAS**, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

**WHEREAS**, a request was submitted for Planning Board consideration for the outdoor display of queen conch shells and maracas located in front of open doors and within a model cart/shelf unit; and

**WHEREAS**, the Planning Board met on February 21, 2013 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; and

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key

 Chairman

 Planning Director

West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.


**Section 2.** That an Exception for Outdoor Display under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of queen conch shells and maracas in two (2) barrels in front of two (2) open doors and within a model cart/shelf unit located at 628 Duval Street (RE# 00012480-000000), with the following conditions, and per the attached site survey and site photos received October 4, 2012:

1. The Exception for the Outdoor Merchandise Display is limited to two barrels in front of two open doors of the shop and the model cart/shelf unit.
2. The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
3. The Exception for the Outdoor Merchandise Display is specific to the current tenant, Tropical Shell and Gift, and granted for 60 months.
4. The Exception will provide for clear access for ADA and fire accessibility, with a minimum pathway of thirty-six inches around each display.

**Section 3.** Exceptions to 106-51 may be revoked by the Planning Board after notice and hearing on grounds:

- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section.

 Chairman

 Planning Director



- b. The Exception was granted pursuant to mistaken or misleading information;  
or
- c. The Exception is not compatible, or in visual harmony, with development of  
the neighborhood occurring subsequent to grant of the Exception.

**Section 4.** The City Manager or the Planning Board, upon any written petition by any city resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

**Section 5.** This Exception for Outdoor Display does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement

  
Chairman  
  
Planning Director

or order.

Read and passed on first reading at a regularly scheduled meeting held this 21st day of February, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

3/5/13

Date

Attest:




Donald Leland Craig, AICP  
Planning Director

2-22-13

Date

Filed with the Clerk:




Cheryl Smith, City Clerk

3-6-2013

Date

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Chairman

 Planning Director

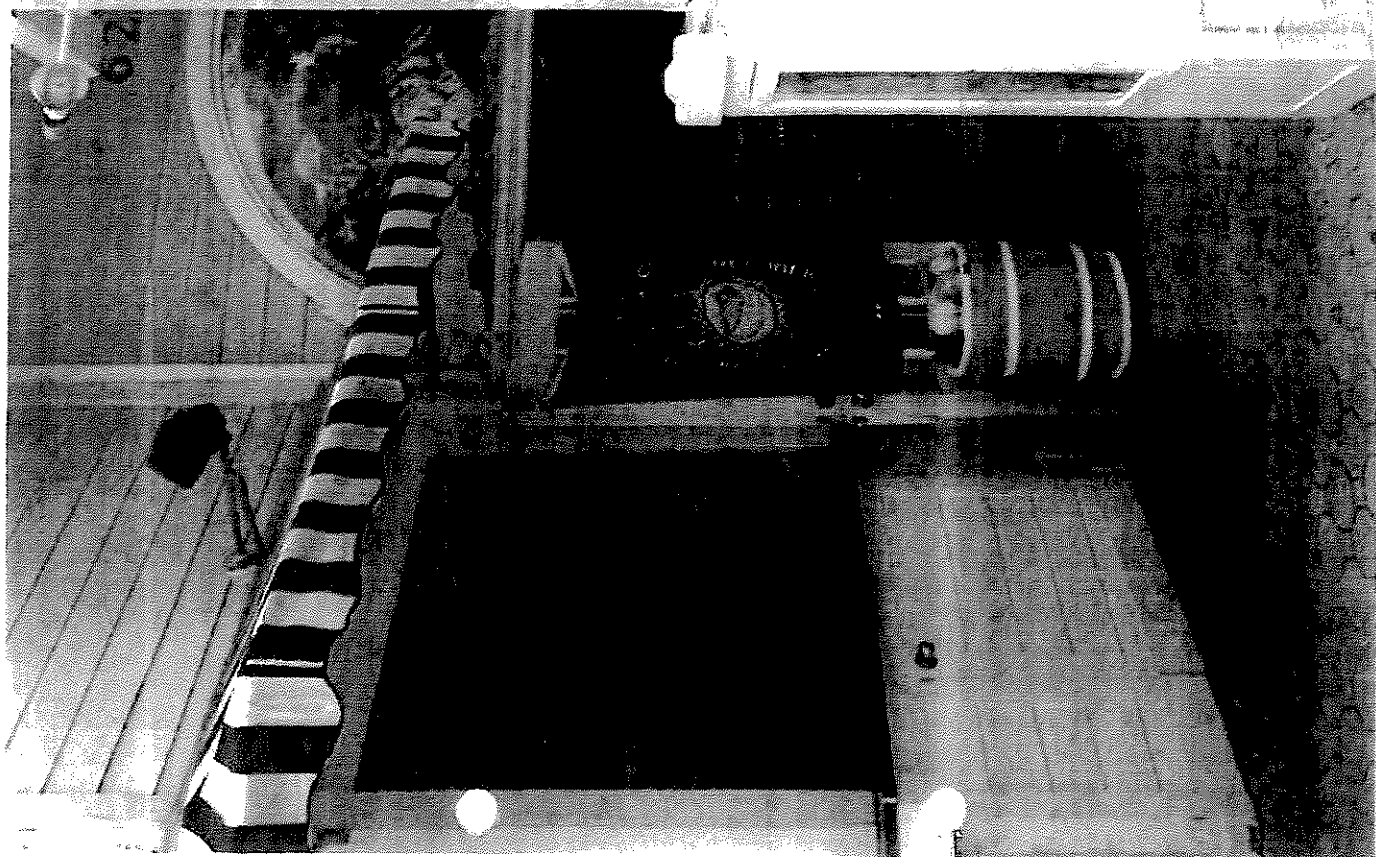
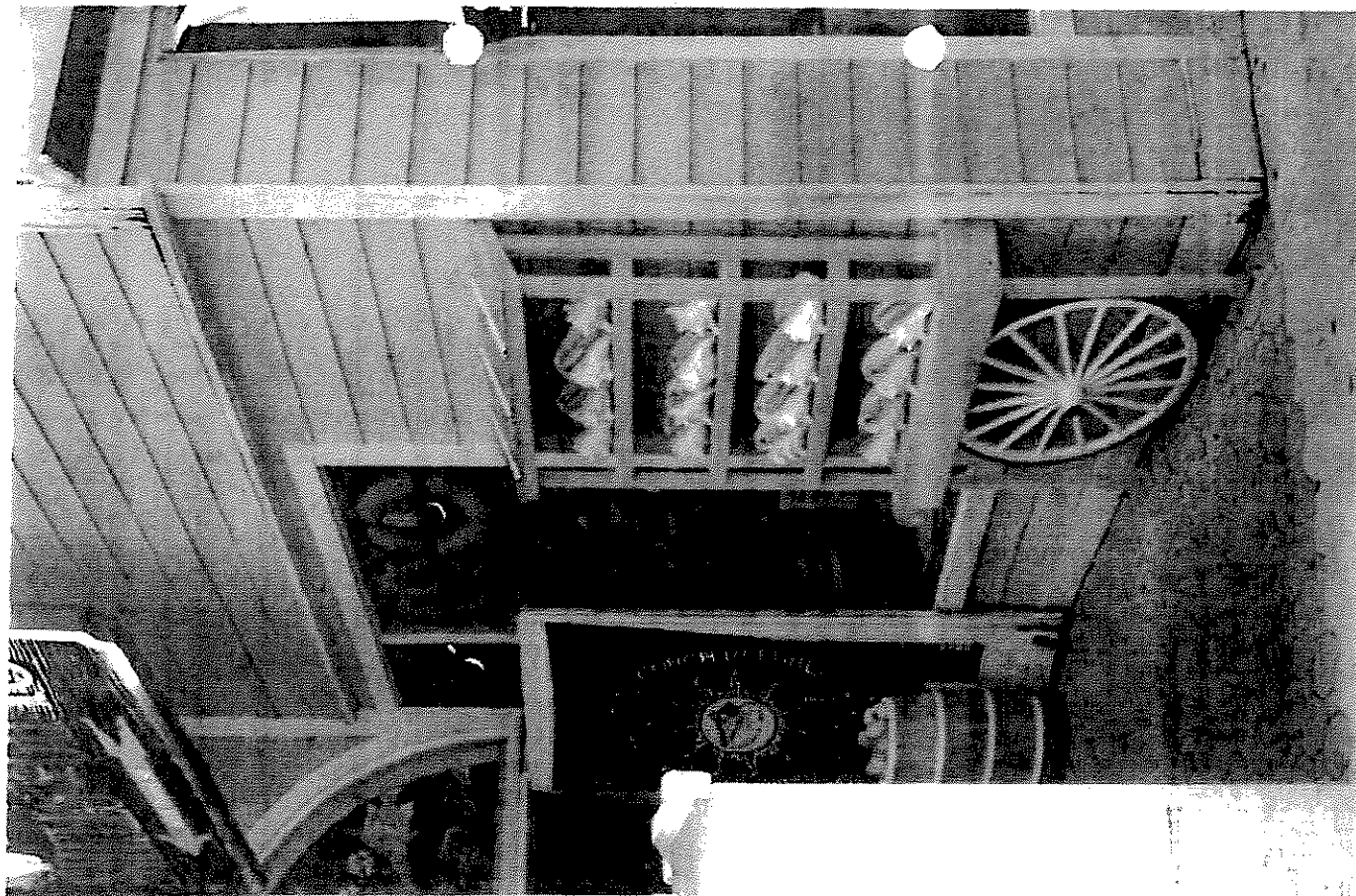


Google earth

feet  
meters



OC  
MLC



mk

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